THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 19792 of 2006

Date:30-07-2007

Between:

Vallamsetty Srinivasa Rao

.. PETITIONER

AND

The Superintendent of Police, Ongole and three others

..

RESPONDENTS

ORDER:

The petitioner seeks a writ of mandamus to declare the action of

the 3rd respondent in causing his interference in the civil disputes pending between him and the 4th respondent where-under an injunction order is existing in I.A.No.1183 of 2006 in O.S.No.491 of 2006, dated 28.07.2006 on the file of the Principal Junior Civil Judge, Ongole and threatening to vacate the suit premises, as illegal and arbitrary.

It is the case of the petitioner that relating to the civil disputes between him and the 4th respondent in respect of the house property, the petitioner filed the suit and obtained temporary injunction in I.A.No.1183 of 2006 in O.S.No.491 of 2006, dated 28.07.2006 on the file of the Principal Junior Civil Judge, Ongole against the 4th respondent. But, in spite of the injunction order, which is subsisting, the third respondent is illegally interfering with the peaceful possession and enjoyment of the said property.

A counter has been filed by the third respondent stating that on a complaint made by one Ogineni Narasimha Rao, uncle of the petitioner and brother of his adopted mother relating to the dispute of the said property and on the allegation that the petitioner has beat one Kolagani Satyavathi who was a witness in C.C.No.369 of 2006, on their complaint, a case in Crime no.132 of 2006 was registered under Section 324 r/w 34 I.P.C. showing the petitioner as A-1 and after investigation, the charge sheet was also filed on the file of the III Additional District Munsif, Ongole in C.C.No.746 of 2006. Prior to that a case in Crime No.45 of 2006 was also registered under Sections 509, 323 r/w 34 I.P.C. on 24.05.2006 based on the report of Smt.Pameela who is aunt of the petitioner in which charge sheet was also filed and it is pending in C.C.No.369 of 2006 on the file of the III Additional Munsif Magistrate, at Ongole.

Insofar as the allegation made against the third respondent is concerned, it is stated that in fact, the said Prameela who is the aunt of

the petitioner made a representation before the third respondent which was endorsed by the Superintendent of Police and basing on the representation, on his enquiry, the said Prameela told that there were civil disputes between her mother and the petitioner. In fact, the third respondent never asked the petitioner to hand over the vacant possession to the 4th respondent. The police are nothing to do with the inter se civil disputes between the petitioner and the 4th respondent in respect of the said house property and the third respondent is not at all concerned with the civil disputes and he never interfered with the civil disputes.

In view of the aforesaid categorical denial, I am of the opinion that it cannot be said that the third respondent is illegally interfering with the civil disputes. Therefore, the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

V.ESWARAIAH, J.

Date:30.07.2007.
ccm